

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

)	Case No. 23-10063 (SHL)
<i>In re:</i>)	
)	Chapter 11
Genesis Global Holdco, LLC, <i>et al.</i> ,)	
)	
)	(Jointly Administered)
Debtors. ¹)	
)	

**FIFTH STIPULATION AND
AGREED ORDER FURTHER EXTENDING TIME
TO TAKE ACTION, TO THE EXTENT NECESSARY, TO
DETERMINE THE NONDISCHARGEABILITY OF A DEBT OWING
TO A GOVERNMENTAL UNIT PURSUANT TO 11 U.S.C. §1141(d)(6)**

WHEREAS, the Parties² entered into that certain *Stipulation and Agreed Order Extending Time to Take Action, to the Extent Necessary, to Determine the Nondischargeability of a Debt Owed to a Governmental Unit Pursuant to 11 U.S.C. §1141(d)(6)* [ECF No. 415] dated June 11, 2023 (the “First Stipulation”), extending the date by which the NYAG must file its complaint or take action that may be required, if any, in these Chapter 11 Cases to determine the nondischargeability of a debt, pursuant to Section 1141(d)(6) or Section 523 of the Bankruptcy Code to July 31, 2023 (“Nondischargeability Deadline”), which was approved by the Court on July 12, 2023 [ECF No. 495];

1 The Debtors in these Chapter 11 cases and the last four digits of each Debtor's taxpayer identification number are as follows: Genesis Global Holdco, LLC (8219); Genesis Global Capital, LLC (8564); and Genesis Asia Pacific Pte. Ltd. (2164R). For the purpose of these Chapter 11 cases, the service address for the Debtors is 250 Park Avenue South, 5th Floor, New York, NY 10003.

² Capitalized terms used but not defined herein shall have the meaning ascribed to them in the First Stipulation.

WHEREAS, on July 25, 2023, the Parties stipulated to further extend the Nondischargeability Deadline to August 31, 2023 [ECF No. 539], which was approved by the Court on August 3, 2023 [ECF No. 576] (the “Second Stipulation”);

WHEREAS, on August 29, 2023, the Parties stipulated to further extend the Nondischargeability Deadline to September 29, 2023 [ECF No. 631], which was approved by the Court on October 2, 2023 [ECF No. 768] (the “Third Stipulation”);

WHEREAS, on September 29, 2023, the Parties stipulated to further extend the Nondischargeability Deadline to October 31, 2023 [ECF No. 766], which was approved by the Court on October 23, 2023 [ECF No. 825] (the “Fourth Stipulation”);

WHEREAS, the NYAG now seeks a further extension of the Nondischargeability Deadline, and without binding precedent in this jurisdiction on this issue, and in order to avoid unnecessary litigation, the undersigned parties nonetheless jointly seek a further extension of the Section 523(c)/Rule 4007(c) deadline out of an abundance of caution, without prejudice to the NYAG’s right to seek further extensions (this “Fifth Stipulation”);

Based on the foregoing stipulation of the parties, it is ORDERED that:

1. To the extent Section 523(c) or Rule 4007(c) applies, the date by which the NYAG must file its complaint or take other action that may be required, if any, in these Chapter 11 cases to determine the nondischargeability of a debt, pursuant to Section 1141(d)(6) of the Bankruptcy Code, shall be November 30, 2023, or such later date as may be ordered by the Court, without prejudice to the NYAG’s right to seek further extensions of the date.

2. This Fifth Stipulation represents the entire agreement by and between the Parties with respect to the subject matter hereof, and all prior understandings or agreements, if any, are merged into this Fifth Stipulation.

3. Other than as set forth in paragraphs 1 and 2 hereof, nothing in this Fifth Stipulation shall, or is intended to, modify any terms, conditions or provisions of the First Stipulation, the Second Stipulation, the Third Stipulation, or the Fourth Stipulation and all such terms, conditions and provisions of the First Stipulation, the Second Stipulation, the Third Stipulation, and the Fourth Stipulation shall continue to apply to this Fifth Stipulation.

IT IS SO ORDERED.

Dated: December 18, 2023
White Plains, New York

/s/ Sean H. Lane
THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE

IN WITNESS WHEREOF, the Parties, by their respective authorized counsel, have executed this Fifth Stipulation as of the date written below:

Dated: October 31, 2023
New York, New York

By: /s/ Luke A. Barefoot
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